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To Patricia Courtney/OCP/R8/USEPA/US@EPA, Victor
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Subject VB/I-70 remaining properties


1081400 - R8 SDMS

Hi all. Karen, you probably don't know that Pat recently received a request from a property owner at VB/I-70 who bought a home that is on our list of properties that had an elevated soil sampling result, but did not get cleaned up because we could not obtain access from the previous owner. Pat and I realized that we don't really have a definite plan in place to deal with this situation. Based on our earlier conversation (me and Pat and Victor), here is what I understand is our message and process for addressing outstanding yards (that were either not sampled or sampled but not cleaned up) at VB/I-70:

Current Process (*Does this make sense? Do we need to meet and discuss this further?*):

- The EPA VB/I-70 Superfund Site residential soils cleanup concluded in 2006.
- If your property did not get sampled, you can contact the City of Denver to have it done. (*The City must perform this sampling using the same protocol as EPA did?*). If the results are below our cleanup levels, we will send to you a letter indicating that the Superfund designation will be removed. If the results are high, the City will rototill your exposed yard soil and then sample for hot spots. (*Contact Jay Salas about the City rototilling, rather than the property owner?*). It is likely that the sampling will show results below our cleanup levels because of the dilution factor of mixing the soil. (*If not, what?*) EPA can then issue a letter indicating that the Superfund designation will be lifted.
- If your property was sampled but was not cleaned up, you can contact the City of Denver. The City will rototill your exposed yard soil and then sample for hot spots. It is likely that the sampling will show results below our cleanup levels because of the dilution factor of mixing the soil. (*If not, what?*) EPA can then issue to you a letter indicating that the Superfund designation will be lifted.

Questions/Concerns with our current process:

1. As these properties change ownership, there is no formal way to alert the new owners that the property remains designated as a Superfund site. What can we do about this?
2. It might sound fishy to a homeowner that EPA once found the property's sampling results elevated enough to require cleanup, but after a bit of rototilling, the City sampling results show that the problem no longer exists. Is that good enough?
3. Will we ever be able to remove the Superfund designation from those properties that the City merely rototills and samples for hotspots? Would that be enough sampling data? Wouldn't we need to sample the 30-point grid to be consistent?

Background:

There are **31** properties that we know have elevated levels of either lead and/or arsenic. There are also **154** properties that were never sampled. The owners of these properties received numerous mailings from EPA and PRI since 1999 encouraging them to participate in the sampling/cleanup program. Most were visited personally by EPA and PRI staff as well as by representatives from the community. They received strongly worded last-chance letters toward the end of the project, but still EPA had no success in obtaining access to their properties.